



ANGUS S. KING, JR.  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
MAINE EMERGENCY MEDICAL SERVICES  
16 EDISON DRIVE  
AUGUSTA, MAINE  
04330

MICHAEL F. KELLY  
COMMISSIONER

JAY BRADSHAW  
DIRECTOR

**Investigations Committee Meeting  
Wednesday, April 7, 1999  
Maine EMS Conference Room, Augusta**

**Meeting Minutes**

**Present:** S. Leach, Chair; C. Pillsbury; R. Doughty; S. Hayes

**Staff:** D. White; B. Montejo

**Guests:** Michael Lang, Eric Merrill, John Gallaher, Warren Waltz, Laurence Dadmun, Bob Baker

**1. CALL TO ORDER** - The meeting was called to order at 12:10 p.m.

**A. Additions/Deletions to the Agenda** - None

**B. Accept Minutes of March 3, 1999, meeting**

The minutes of the March 3, 1999, meeting were reviewed.

**MOTION: TO ACCEPT THE MINUTES OF THE FEBRUARY 3, 1999, MEETING  
(Pillsbury; Doughty -motion carries 4-0-1 - Abstention by Hayes).**

**2. INVESTIGATIONS**

**A. Eric Merrill - Informal Conference**

The committee conducted an informal conference with licensee Eric Merrill regarding case #99-03. Present for the informal conference were committee members S. Leach, C. Pillsbury, S. Hayes and R. Doughty; as well as D. White, B. Montejo, and licensee Eric Merrill.

The committee entered executive session at 1:05 p.m. for the purpose of conducting the informal conference and exited executive session at 1:36 p.m. following conclusion of the informal conference.

Committee discussion ensued regarding the investigation of licensee Eric Merrill and the lack of any documentation or other evidence that would substantiate the licensee's claim that he had received a waiver of the Maine EMS Rules or an "extension" of his Maine EMS License. The Committee noted that the licensee had not met the requirements for license renewal during the time in question and was aware of such. Additionally, the Committee noted that the licensee had participated in EMS runs with Poland Rescue almost every month of the nine months that he was unlicensed; and, that he participated in EMS runs with County/Medec almost every week for the months of September, 1997 and October 1997.

**MOTION: THAT ERIC MERRILL, MAINE EMS LICENSE #15760, PRACTICED EMS PATIENT CARE WITHOUT A LICENSE FROM JANUARY 1, 1997 TO OCTOBER 17, 1997; THAT THE AFOREMENTIONED PRACTICE WITHOUT A LICENSE CONSTITUTES WILLFUL VIOLATIONS OF SECTIONS 12(A)(2), 12(A)(3), AND 12(A)(17) OF THE MAINE EMS RULES (DATED SEPTEMBER 1, 1996); AND, THAT THE COMMITTEE DIRECTS STAFF TO SEEK SUSPENSION OF MR. MERRILL'S EMS LICENSE FOR A PERIOD OF TIME EQUAL TO THE TIME THAT MR. MERRILL PRACTICED EMS PATIENT CARE WITHOUT A LICENSE - 290 DAYS (Doughty;Pillsbury - motion carries unanimously).**

#### **B. John Gallagher - Informal Conference**

The committee conducted an informal conference with licensee John Gallagher regarding case #99-01 & #99-02. Present for the informal conference were committee members S. Leach, C. Pillsbury, S. Hayes and R. Doughty; as well as D. White, B. Montejo, and licensee John Gallagher, Warren Waltz, Laurence Dadmun, and Bob Baker.

The committee entered executive session at 2:13 p.m. for the purpose of conducting the informal conference and exited executive session at 3:03 p.m. following conclusion of the informal conference.

Committee discussion ensued. Discussion included the circumstances surrounding the falsification of a CEH roster by Mr. Gallagher and his attempt to use the roster in seeking licensure. The Committee considered Mr. Gallagher's (unblemished) 20 year record as an EMS provider and his service as an Instructor Coordinator. Also considered were circumstances in Mr. Gallagher's personal and professional life which led to stress related problems prior to ,and during the time of, the incidents leading to Maine EMS' investigation. The Committee determined that it would be in the best interest of Mr. Gallagher if the local service and the regional council were directly involved in assessing Mr. Gallagher's eligibility in instructing and licensing.

**MOTION: THAT THIS MATTER BE TABLED UNTIL THE SEPTEMBER, 1999, MEETING; THAT MAINE EMS DEFER TO THE REGION AS TO MR. GALLAGHER'S ELIGIBILITY AS AN INSTRUCTOR COORDINATOR; AND, THAT MAINE EMS DEFER TO CENTRAL LINCOLN COUNTY AMBULANCE SERVICE AS TO MR. GALLAGHER'S ELIGIBILITY FOR LICENSURE (Hayes, Pillsbury - Motion Carries).**

### **C. Alan Schweitzer, Jr.**

The Committee reviewed the response to the investigation notice sent to licensee , Alan Schweitzer, Jr. (Maine EMS License #14894) regarding case #9907. Mr. Schweitzer practiced EMS patient care without a license from August, 1998 to January, 1999. The Committee noted that Mr. Schweitzer had contacted Maine EMS regarding his licensure status and it was then, that the unlicensed practice was discovered. Mr. Schweitzer had completed continuing education requirements for relicensure, but did not complete a skills lab, prior to his license expiration. Upon notification of his unlicensed status, Mr. Schweitzer removed himself from any type of activity with his sponsoring service.

**MOTION: THAT THE COMMITTEE FINDS THAT ALAN SCHWEITZER MAINE EMS LICENSE #14894, PRACTICED EMS PATIENT CARE WITHOUT A LICENSE; AND, THAT THE AFOREMENTIONED PRACTICE WITHOUT A LICENSE CONSTITUTES WILLFUL VIOLATIONS OF SECTIONS 12(A)(2), 12(A)(3), AND 12(A)(17) OF THE MAINE EMS RULES (DATED SEPTEMBER 1, 1996); THAT THE COMMITTEE DIRECTS STAFF TO SEEK SUSPENSION OF MR. SCHWEITZER'S EMS LICENSE FOR A PERIOD OF 60 DAYS; THAT THIS SUSPENSION PERIOD TAKE INTO ACCOUNT THE TIME THAT MR. SCHWEITZER REMOVED HIMSELF FROM ACTIVE SERVICE (A PERIOD OF 29 DAYS); AND THAT THIS PERIOD OF TIME BE CONSIDERED AS PART OF THE SUSPENSION PERIOD WITH THE REMAINDER OF THE SUSPENSION (31 DAYS) TO BE SERVED UPON EXECUTION OF A CONSENT AGREEMENT WITH MR. SCHWEITZER (Hayes;Doughty - Motion Carries).**

### **C. Michael Spadinger**

The Committee reviewed the response to the investigation notice (case #99-05) sent to licensee Michael Spadinger (Maine EMS License #12395) regarding allegations of unlicensed practice. The Committee found that the factual basis of the complaint may be true and determined that an informal conference with the licensee should be scheduled.

**MOTION: THAT STAFF SCHEDULE AN INFORMAL CONFERENCE WITH LICENSEE MICHAEL SPADINGER (Doughty;Hayes - motion carries).**

### **D. Michael Lang**

The committee conducted an informal conference with licensee Michael Lang regarding case #98-29. Present for the informal conference were committee members S. Leach, C. Pillsbury, S. Hayes and R. Doughty; as well as D. White, B. Montejo, and licensee Michael Lang.

The committee entered executive session at 12:15 p.m. for the purpose of conducting the informal conference and exited executive session at 12:52 p.m. following conclusion of the informal conference.

Committee discussion ensued regarding the investigation of licensee Michael Lang. Allegations made against Mr. Lang included that he had a history of an assault charge but failed to inform his EMS service; that he did not inform his EMS service that he had previously worked for another service; that he had a history of "beating around the bush" or lying; that he had a "probation" charge against him; that he had been involved in incidents including a patient molestation charge, theft, and threatening others on a department with which he had previously worked; and, that he falsified a Maine EMS Run Report form by documenting that he had done patient care that he had not performed.

The Committee noted that the licensee had a history of disciplinary action involving imprudent driving during response to EMS calls (in both his personal vehicle and in an ambulance vehicle).

**MOTION: THAT EVIDENCE TO SUPPORT THE ALLEGATIONS AGAINST LICENSEE MICHAEL LANG IS EITHER NON EXISTENT OR INCONCLUSIVE; THAT THE COMMITTEE IS CONCERNED WITH MR. LANG'S HISTORY OF IMPRUDENT MOTOR VEHICLE OPERATION; THAT MR. LANG COMPLETE A BASIC AVOC COURSE WITHIN SIX MONTHS OF OBTAINING SERVICE SPONSORSHIP (OR AT THE NEXT COURSE OFFERED IN THE REGION 1 AREA IF THERE ARE NONE AVAILABLE WITHIN THE SIX MONTH TIME FRAME); AND, THAT THE COMPLAINT AGAINST MR. LANG BE DISMISSED (Hayes, Doughty - Motion Carries).**

#### **4. OTHER**

##### **A. Aaron Riley**

B. Montejo reported that Aaron Riley had failed to disclose a disorderly conduct conviction, Class E, on his initial application for EMS licensure. In his response, Mr. Riley explained the nature of the conviction and his reason for not reporting the conviction.

**MOTION: THAT LICENSEE AARON RILEY'S FAILURE TO LIST A CLASS E CRIMINAL CONVICTION ON HIS OCTOBER 1998 APPLICATION FOR LICENSURE DOES NOT CONSTITUTE A WILLFUL VIOLATION OF THE MAINE EMS RULES; AND, THAT MR. RILEY RECEIVE A LETTER OF WARNING REMINDING HIM OF THE IMPORTANCE IN REPORTING ALL CONVICTIONS (Pillsbury; Doughty - Motion Carries).**

##### **B. Update**

Staff updated the Committee on the 22 cases pending Staff, Committee, Board, or Administrative Court action..

**5. NEXT MEETING**

**A. Set Agenda** - To be set prior to meeting

**B. Set Date and Time** - The next meeting of the Committee will be on May 5, 1999, following the Maine EMS Board meeting.

**6. ADJOURNMENT** - The meeting was adjourned at 4:10 p.m.

Respectfully Submitted,

Bill Montejo, Drexell White